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10/687,887	10/20/2003	Makoto Mikuriya	1163-0472P	2086
2292	7590	09/26/2007		
BIRCH STEWART KOLASCH & BIRCH			EXAMINER	
PO BOX 747			PIPALA, EDWARD J	
FALLS CHURCH, VA 22040-0747			ART UNIT	PAPER NUMBER
			3663	
			NOTIFICATION DATE	DELIVERY MODE
			09/26/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

# Office Action Summary

Application No.

10/687,887

Applicant(s)

MIKURIYA ET AL.

Examiner

Edward Pipala

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) 5-7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This Office action is in response to Applicant's amendment and remarks filed 7/9/07, as well as submission of a translation of Applicant's foreign priority document.

The previous rejection of claims 1-4 and 8, under 35 U.S.C 103(a), has been withdrawn in view of Applicant's perfection of the basis for Applicant's foreign priority date by submission of a translation of said foreign priority document.

Claims 1-4 and 8 are presently pending, claims 5-7 have been withdrawn.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 is considered to be indefinite for failing to particularly point out and distinctly claim the invention, in that lines 18-21 thereof recite "providing update-operation information for causing the map data processing apparatus to add new data items to the map data" appear to interject a *method step into an apparatus claim*, thereby mixing statutory classes of invention (apparatus, and method or process), thereby making it difficult for one making or using the invention to determine the metes and bounds of the claim.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Nomura (5,919,245).

Claim 1 recites a data architecture of map data stored in a computer readable medium comprising link identification information identifying a plurality of original links, each representing a part of a road constituting an actual road network, auxiliary link identification information for identifying a plurality of alternative links replacing at least one of the original links, and a map data processing apparatus which recognizes a relationship between the original link and the alternative links.

Nomura ('245) discloses a map database apparatus in which a road is represented as a link string in which a plurality of links, each of which has nodes at both ends thereof, and which includes node information relating to each of the nodes respectively providing data relating to different levels of map scale with regard to an identical link string. The abstract further reads to the effect that a link of a lower level which has a larger scale has identifying data which is common to link identifying data of the common link of an upper (smaller scale) level, thereby providing both link identification and auxiliary link identification data.

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With respect to claim 2, which recites that the map data comprises a plurality of parts for different purposes, please see figure 4 which shows the use of data relating to not only link and node information, but also things like ferry and tunnel information, where figure 5 further shows that cost information is part of this data set as well.

With respect to claim 3, which recites a method of designating instructions to a map data processing apparatus for updating map data having the data architecture of claim 1, comprising providing update operation information for causing the map data processing apparatus to add new data items to the map data concerning alternative links which substitute for the original links including identification information identifying the original links and alternative links, please note that figure 7 shows a flowchart whereby map data is "updated" or converted for different scale levels.

With respect to claim 8, which recites update instruction data storage and a transmitter for sending the update instruction data to the map data processing apparatus, please see col. 4, lines 12-25, which disclose the use of a CD ROM device in conjunction with the map database apparatus, as well as a magnetic recording device and the like, for providing or "transmitting" the map data to the map data processing apparatus.

With respect to independent claim 4, which recites a map data processing apparatus comprising a storage unit for storing the map data, link identification information, auxiliary link identification information relating original links with the

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alternative links, providing update information for adding new data items to the map data, wherein the update operation information identifies original links which are replaced with the auxiliary link information and an update processor for updating the map data in accordance with the update instruction data, please note that the above perfectly describe the map data base and hardware of Nomura in which link and node data is used to provide (updated) versions in the scale of the map display using the apparatus shown in figure 1 and as described in column 4.

### ***Response to Arguments***

4. Applicant's arguments filed 7/9/07 with respect to the Hunzinger (7,079,946) reference have been fully considered and are persuasive, accordingly the previous rejection of claims 1-4 and 8 has been withdrawn in view of Applicant's submission of a translation of the priority document.

However Applicant's arguments do not overcome the above new grounds of rejection with respect to the newly applied prior art of Nomura (5,919,245), nor the previous rejection with respect to 112, second paragraph, which has been maintained.

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Pipala whose telephone number is 571-272-1360. The examiner can normally be reached on M-S 9:30 - 5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to be 'E. Pipala', with a stylized, looped design.

Edward Pipala  
Examiner  
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